

**24 SEP 2010**

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In re Application of SHIMIZU et al
U.S. Application No.: 10/573,048
PCT Application No.: PCT/JP2004/013922
Int. Filing Date: 24 September 2004
Priority Date Claimed: 24 September 2003
Attorney Docket No.: 33082M309
For: HEAT TREATMENT APPARATUS

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DECISION

This is in response to applicant's correspondence filed 14 August 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is due.

BACKGROUND

On 24 September 2004, applicant filed international application PCT/JP2004/013922, which claimed priority of an earlier Japan application filed 24 September 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 31 March 2005. The thirty-month period for paying the basic national fee in the United States expired on 24 March 2006.

On 22 March 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 November 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and an English translation of the international application must be filed.

On 04 May 2007, applicant filed an executed declaration and an English translation of the international application.

On 24 June 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which stated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 14 August 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the 04 May 2007 submission was accompanied by a proper request for a four month extension of time. Therefore, the submission was filed within the time period set by the Notification of Missing Requirements.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 24 June 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 September 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 May 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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